IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2322 OF 2005

Vinay Babasaheb Kadam ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mrs.Revati P.Mohite-Dere for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 8, 2005.

P.C.

1. This Application has been moved mainly on the assertion that inspite of direction given by this Court for disposal of the trial within six months from 30th September 2004, and which direction was reiterated in order dated 4th February 2005, the trial has not progressed an inch.

2. Learned A.P.P., on instructions of the

Investigating Officer, states that the trial has not progressed because of the Applications filed on behalf of the accused, amongst others, for inspection of the case diary.

3. Counsel for the Applicant states on the basis of pleadings filed before the lower Court, which are available with her that the prosecution has resisted the Application for giving inspection of the case diary before the lower Court. However, learned A.P.P., on the basis of the record made available by the Investigating Officer, points out that zerox copy of the case diary has already been made over to the concerned accused on 19th March 2005. In other words, now that objection having been taken care of, the trial ought to proceed in accordance with law.

4. According to learned A.P.P., if the trial is to progress on day-to-day basis, the prosecution will be able to conclude the trial not exceeding three months from the date of commencement of the trial.

5. Learned A.P.P. further points out that the case has been assigned to Fast Track Court. Roznama has been produced at page 19 onwards. It indicates that on some of the dates, matter was required to be adjourned, as accused were not produced before the Court by the Jail Authorities. Learned A.P.P. states that on the relevant dates, production of the concerned accused was not necessary, but as and when production becomes necessary, it will be ensured that the accused is produced before the Court, so as to avoid any adjournment on that account. That assurance is accepted. In other words, all concerned including the Jail Authorities are directed to ensure that the accused are produced before the Trial Court on every date of hearing, whenever their presence is required and directed by the Trial Court in that behalf.

6. In my opinion, having regard to the seriousness of the offence and considering the fact that on two occasions, Bail Application preferred by the Applicant has been rejected, it is not a case for bail. Instead, the Trial Court is

directed to ensure that the trial is expeditiously disposed of and preferably within four months from the date of receipt of writ of this Court.

7. The accused are expected to extend full co-operation to the Trial Court for early disposal of the trial. In case, the Trial Court is of the opinion that any singular adjournment is caused on account of accused, that fact be recorded in the Roznama, so that, the same can be reckoned as and when occasion arises.

8. Application disposed of on the above terms.

A.M.KHANWILKAR, J.